

NAOMI RUSTOMJEE (State Bar # 142088)
JULIA D. GREER (State Bar # 200479)
COBLENTZ, PATCH, DUFFY & BASS, LLP
One Ferry Building, Suite 200
San Francisco, California 94111-4213
Telephone: (415) 391-4800
Facsimile: (415) 989-1663
Email: ef-nxr@cpdb.com, ef-jdg@cpdb.com

Attorneys for Plaintiff
GLOBAL SOFTWARE RESOURCES, INC.,
a California corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GLOBAL SOFTWARE RESOURCES,
INC., a California corporation,

Plaintiff,

vs.

AKHIL JHAVERI, an individual,

Defendant.

Case No. CV 06-03054 VRW

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE HEARING ON
MOTION TO DISMISS FIRST AMENDED
COMPLAINT**

Scheduled Hearing Date/Time: 10/5/06; 2 p.m.

*Requested Continuance of Hearing
Date/Time: 11/2/06; 2 p.m.*

Judge: Hon. Chief Judge Vaughn R. Walker
Dept.: Courtroom 6, 17th Floor

Pursuant to Civil Local Rule 7-12, Plaintiff Global Software Resources, Inc. ("Plaintiff") and Defendant Akhil Jhaveri ("Defendant"), by and through their undersigned counsel, submit this Stipulation and *[Proposed]* Order To Continue Hearing on Motion to Dismiss First Amended Complaint:

WHEREAS, on or about May 26, 2006, Defendant filed a Notice of Motion and Motion to Dismiss First Amended Complaint for Failure to State a Claim Upon Which Relief Can Be Granted Under F.R.C.P. 12(b)(6) ("Motion to Dismiss"). To date, the originally scheduled hearing date on the Motion to Dismiss has been twice continued, as follows: to August 24, 2006, by agreement of the parties, pursuant to applicable rules; and to the current date of October 5,

2006, by Order of this Court, entered on July 21, 2006, on the parties' stipulation, *inter alia*, that they required additional time to remain engaged in then on-going settlement negotiations.

WHEREAS, Plaintiff and Defendant have now reached an agreement-in-principle on a settlement that includes, without limitation, the ultimate dismissal of this action, and have begun the process of negotiating and preparing the necessary settlement documentation.

WHEREAS, the parties require a reasonable continuance of the hearing on the Motion to Dismiss -- and a corresponding extension of time for the preparation/filing of their respective briefing papers -- to enable them to conclude their negotiation and preparation of the settlement documentation and to take other settlement closing related actions.

WHEREAS, the parties reasonably and in good faith believe that the stipulated-to continuance will facilitate the finalization and conclusion of a settlement, and thereby avoid any needless expenditure of time and other resources by the parties and the Court, and do not seek a continuance order for delay or any other improper purpose.

THEREFORE, THE PARTIES HEREBY STIPULATE THAT:

1. The hearing on the Motion to Dismiss should be continued from 2:00 p.m. on October 5, 2006 to 2:00 p.m. on November 2, 2006 (or on the first available date thereafter on the Court's calendar);
2. Plaintiff's Opposition to the Motion to Dismiss should be filed and served on or before October 12, 2006; and
3. Defendant's Reply to the Motion to Dismiss should be filed and served on or before October 26, 2006.

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IT IS SO STIPULATED.

Dated: September 8, 2006

COBLENTZ, PATCH, DUFFY & BASS, LLP

By: /s/ Naomi Rustomjee
NAOMI RUSTOMJEE
Attorneys for Plaintiff
GLOBAL SOFTWARE RESOURCES, INC.

Dated: September 8, 2006

LAW OFFICES OF JOHN P. LEWIS, JR.

By: _____
JOHN P. LEWIS, JR.
Attorneys for Defendant
AKHIL JHAVERI

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2006

THE HONORABLE CHIEF JUDGE
VAUGHN R. WALKER
United States District Court

COBLENTZ, PATCH, DUFFY & BASS LLP
ONE FERRY BUILDING, SUITE 200, SAN FRANCISCO, CA 94111-4213
(415) 391-4800 • FAX (415) 989-1663

IT IS SO STIPULATED.

Dated: September 8, 2006

COBLENTZ, PATCH, DUFFY & BASS, LLP

By: _____

NAOMI RUSTOMJEE
Attorneys for Plaintiff
GLOBAL SOFTWARE RESOURCES, INC.

Dated: September 8, 2006


LAW OFFICES OF JOHN P. LEWIS, JR.

By: _____

JOHN P. LEWIS, JR.
Attorneys for Defendant
AKHIL JHAVERI

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/11, 2006



THE HONORABLE CHIEF JUDGE
VAUGHN R. WALKER
United States District Court

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